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Mr. Bayard, however, as Secretary of State did not hesitate to review and to reverse Justice Strong's award against Hayti in favor of Pelletier. He did this, too, not on account of any newly discovered evidence affecting any of the facts in the case, but because his view of the law was "in direct conflict with that reached by the learned arbitrator." Considering that the arbitrator who had been selected by Minister Preston and Secretary Frelinghuysen did not properly construe the protocol touching the subject, or understand the law relating to the jurisdiction of a country over offences committed by a merchant vessel in one of its ports, he refused to collect the award, and it was dropped. It is doubtful whether this can be considered either good law or sound policy. It is in direct conflict not only with Jackson's well-considered views, but with the opinion of Attorney-General Hoar in the Gibbes case (13 *Op.*, 19). If the same commission cannot reconsider a decision once formally delivered without a new agreement (Halleck's *International Law*, Ch. XII.), and if the executive cannot submit a claim to a new commission after it has been passed upon by the first, unless there is a treaty to that effect (*Frelinghuysen v. Key*, 110 U. S., 63, 73), it is preposterous to hold that the executive department itself may review the decision of an arbitrator.

E. I. RENICK.

Recollections of the Civil War. With the leaders at Washington and in the Field in the 'Sixties. By CHARLES A. DANA, Assistant Secretary of War from 1863 to 1865. (New York: D. Appleton and Co. 1898. Pp. xiii, 296.)

WHEN General Grant was under a cloud, after Shiloh, and his superiors were in a quandary whether to relieve him or not, Mr. Stanton, Secretary of War, sent Mr. Dana to his headquarters nominally to inspect the work of the paymasters but really to observe the situation in the army and report confidentially so that the Secretary might determine intelligently what to do. Mr. Dana's reports proved so reassuring, and so valuable in other ways besides, that he was kept on the field until Vicksburg fell. He was then appointed Assistant Secretary of War and sent to Chattanooga to confer with General Rosecrans upon any subject he might "desire to have brought to the notice of the department." Here he remained until after the victory of Missionary Ridge and the relief of General Burnside. Thereafter he was employed at his desk in Washington, on various short missions and especially with General Grant in Virginia. It is the story of his experiences while serving in these various capacities which he has written out and published.

"Recollections" though they are and composed for the most part at the very close of the veteran journalist's life, there was a broad foundation of recorded contemporary impressions upon which to build. There is little in the book for which the authority of dispatches from the field cannot be given. Most of Mr. Dana's reports have been printed in the *Rebellion Record*. Nearly everything of interest in them has been util-

ized and a few unpublished reports and family letters have also been drawn upon.

Mr. Dana's position was unique. He lived at army headquarters ; he communicated unofficially and freely with all officers, low and high ; he made tours of inspection both alone and with the generals ; and he was a listener at the councils of war. But he had no responsibility for the success or failure of the plans adopted, and he was not bound by military law to receive commands and obey without question. It was his privilege to stand by and observe and report ; to point out freely and confidentially to the Secretary at Washington the reasonableness or unreasonableness of the plans and the efficiency or inefficiency of those engaged in carrying the several parts into execution. He begged for reinforcements for Rosecrans ; Grant relied on him to interest the Secretary in his plans for new campaigns ; officers made complaints to him regarding those who had forfeited their confidence. But his dispatches betray no petty feelings, they are straightforward and significant and he seems to have retained the respect of all with whom he was associated, delicate as his relations with some of them must have been at times.

Mr. Dana made mistakes ; in exciting emergencies his judgment was sometimes at fault ; his own later dispatches often contain corrections of the earlier. Swept back into Chattanooga with the routed right wing he immediately telegraphed to Washington that Chickamauga was as fatal a name as Bull Run. Four hours later he had learned of Thomas's defence of the left wing ; and step by step he analyzed the situation and pointed out the false moves, when and by whom made, as definitely as one criticizes a lost game of chess. His final statement of the matter in hand seldom fails to be convincing.

His dispatches, more frequent than those of the commanding general even and from a different standpoint, relieved the suspense of the anxious watchers in the War Department greatly, and Mr. Dana takes pains to show how much Mr. Stanton appreciated them. But it is more difficult to estimate the effect of his suggestions. In some cases the relation of act to suggestion is patent ; and it is safe to infer that his dispatches commanded consideration even when they were not or could not be followed. But Mr. Dana modestly refrained from developing the point fully and it would require time, skill and patience to determine it from the records.

There is no logical unity to the book, nor any consistent purpose running through it, except to give a chronological narrative of certain interesting personal experiences. It is not broad enough in scope to show the progress of the war as a whole, nor of any special phase of it like negro contrabands or emancipation. If it might be expected to throw light particularly on the delicate question of appointment, removal and promotion in the army it is disappointing. What it does offer is Mr. Dana's opinion of the officers whom he observed. His judgments are candid, keen and analytical, showing psychological insight. They will generally command assent and must be taken into account by future writers. Space

forbids a discussion of them here. Almost every current question: cotton speculations, fraud in army contracts, political influence and bargain, emancipation, negro soldiers, and many another, is touched on briefly and incidentally. A fact is stated, an observation recorded or an opinion stated which will be of great value in the hands of the historian who shall make a comprehensive study of the subject to which it relates.

The professional historian who turns to Mr. Dana's book for historical material will be guilty of negligence if he does not also consult the dispatches themselves in the *Record*. But in the *Recollections* he will find much that cannot be obtained elsewhere. First there are some letters hitherto unpublished. Then there is the setting of the recorded events as Mr. Dana has been able to recall it and there are his own interpretations which but for this book would have died with him. The general reader's interest will be held by the perspicuous descriptions of several great campaigns, by the numerous character-sketches and by many passages of a high order of literary merit.

FREDERICK W. MOORE.

Life of Oliver P. Morton, including his important Speeches. By WILLIAM DUDLEY FOULKE. (Indianapolis, Kansas City: The Bowen-Merrill Co. 1898. Two vols., pp. 488, 593.)

IN any list of a dozen men most prominent in civil life during the civil war period, Oliver P. Morton's name would pretty surely be found. He did not neglect the politician's art of keeping himself in the public eye, and whatever he did was industriously advertised by as compact and well disciplined a following as any public man could boast. Yet nobody questioned his possession of qualities which justified his prominence. Chief of these was a natural force of will which either dominated those about him and made them willing followers, or drove them into antagonism. He had the courage of a revolutionist which stuck at nothing to reach his object, and made his life a continued illustration of the proverb that "the end justifies the means." His intellect, like his body in his prime, was robust and burly. His speech was direct and clear, and he had a natural dialectical power in referring his conduct and the policy he advocated to principles and to passions that were in vogue. It was inevitable that he should be a popular leader in a troubled time. Whether he were an able demagogue or a statesman was and is the question. His biographer has given us a book which will help the historian, for it is a fair presentation of the acts and events of Morton's life, without overstraining to force them into consistency or to justify them. It shows the conventional desire of one who represents family and local pride to exalt the motives, to soften hard facts, to suggest apologies; but this is done with moderation and intelligent restraint, as well as with good literary judgment.

Morton threw himself into the movement which was organized into the Republican party, when Douglas's Kansas-Nebraska bill and the Dred